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OCEANS AND THE LAW OF THE SEA

Letter dated 10 October 1997 from the Permanent Representative of Portugal to the United Nations addressed to the Secretary-General

On behalf of the delegations of the Republic of Angola, Brazil, Chile, Fiji, India, Italy, Jamaica, Japan, Malta, Mexico, Morocco, the Netherlands, Saudi Arabia, South Africa and of my own, I have the honour to transmit to you herewith an information note on the Independent World Commission on the Oceans.

I should be grateful if you would have the text of the present letter and its annex circulated as an official document of the General Assembly, under agenda item 39.

(Signed) Antonio MONTEIRO
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ANNEX

Information note on the Independent World Commission on the Oceans

1. At its nineteenth special session, the General Assembly reviewed progress achieved over the five years that have passed since the United Nations Conference on Environment and Development. Apart from its debate on the broad issues of globalization, economic development, technology and finance, the General Assembly centred its most substantive sectoral discussions on fresh water, forests and climate change. The discussions seem, however, to have missed the interconnection that exists between these three subject areas and the ocean, which forms the heart of the Earth's biosphere. The Commission on Sustainable Development will specifically address the oceans and seas as a sectoral theme at its 1999 session. The present session of the General Assembly, therefore, is an opportune moment to introduce the work of the Independent World Commission on the Oceans. Its report is due to be completed during 1998, the International Year of the Ocean, and is timed to contribute to the 1999 review by the Commission on Sustainable Development.

Background

2. A large number of organizations, both governmental and non-governmental, are concerned with a specific aspect of the oceans - such as law and the settlement of disputes, environment, scientific research and training, fisheries, shipping and tourism. However, no one organization or body, with the exception of the General Assembly, has attempted to look in an integrated way at the complex, multifaceted problems of the oceans. Both policy makers and the public at large remain either ill-informed or indifferent to the vital importance of the world's oceans to the health of the global environment and to economic and social development. It is from this perspective that Dr. Mário Soares, then President of the Republic of Portugal, took the lead in launching the Independent World Commission on the Oceans in Tokyo in December 1995. The Commission takes its place in a long series of independent commissions concerned with economic and social development, environment, peace, equality and human rights. Its purpose is above all to alert the public and world leaders to the role of the oceans in planetary survival, to the threats facing the oceans and to more peaceful and sustainable use of the oceans, as well as to suggest ways of strengthening the legal and institutional framework for ocean governance at the national, regional and global levels.

Activities

3. The Commission, in keeping with the multifaceted nature of the issues, brings together 40 distinguished persons. It is holding plenary sessions in six coastal cities around the world, located in: Japan, Brazil, the Netherlands, the United States of America, South Africa and Portugal. It has also organized a series of multidisciplinary study groups with the participation of outside experts for in-depth discussions on a number of key ocean issues. As with previous commissions, the members act in their personal capacities, which allows them to take independent positions. The Commission has created its own web site

on the Internet in order to inform the Internet users about its work, to provide a link to other public and private organizations dealing with the oceans and to generate feedback from visitors to its site.

4. The Commission considers that the peaceful uses of the oceans within the exercise of sovereignty of States is of growing importance as an exploding world population and a growing seaborne economy press on a finite ocean space. It is examining the practicality of new approaches to preventing or resolving disputes over maritime boundaries and conflicting claims on ocean resources.

5. The Commission is committed to promoting the implementation of the United Nations Convention on the Law of the Sea - the legal and institutional framework for the oceans - and to enhancing its effectiveness, taking into account the respective roles of the General Assembly, the specialized agencies, the Commission on Sustainable Development, regional organizations and national Governments. It takes as its point of departure the need to fulfil the goals and objectives set out by the Rio Earth Summit and embodied in Agenda 21, especially in its chapter 17 on the oceans, and takes into account the outcome of the nineteenth special session of the General Assembly.

6. With respect to economic concerns, the Commission is looking at how far contemporary economic theory can be applied to ocean management in the context of sustainable development, at the national, regional and global levels and is assessing the effectiveness of alternative policy instruments in improving the way humans treat the oceans.

7. In the realm of science and technology, the Commission will consider the present state of the oceans, their interaction with other elements of the global environment and the application of ocean science and its technology to the exploration of the ocean and the protection of the marine environment.

8. Differences in levels of social and economic development mean that countries differ in their ability to benefit from uses of the ocean and to adjust to changes in the marine environment. In the spirit of greater solidarity between all countries, so as to achieve more equity among them, the Commission is examining the merits of alternative capacity-building schemes and other ways of redressing these imbalances, including their North-South dimensions.

9. Cutting across all of these issues is the Commission's overall aim of stimulating an awareness on the part of the general public and of politicians and decision makers in all sectors of civil society. Some new approaches have to be followed in order to ensure a greater involvement of all actors in ocean affairs. The possibility of devising some systematic strategy in this areas for the next century has to be considered. This would be consonant with concrete steps to be taken in order to ensure the peaceful and sustainable use of the oceans in the next century.

Outputs

10. The outputs of the Commission are expected to contribute to the international debate on the oceans taking place in various intergovernmental and non-governmental forums. Its final report will be based on the conclusions and recommendations that it will derive from the above study groups, as well as from in-depth discussions among Commission members themselves and from external contributions. The Commission's concluding session is being organized in Lisbon in the framework of the International Year of the Ocean, 1998 and in conjunction with Expo '98: "The Oceans: A Heritage for the Future".

11. The Commission will submit the results of its work to the General Assembly in 1998, when it considers the International Year of the Oceans, so as to contribute to the Assembly's recommendations concerning the future of the oceans and to those of the Commission on Sustainable Development when it takes up the oceans and seas as a sectoral theme in 1999.